

REMARKS

Applicants have amended the specification to clarify the operation of the forehead rest shown in Figures 27-33. This amendment is based on the Figures. No new matter has been included. Applicants have amended independent claim 16 to specify that the resilient member is height adjustable, such that the patient can adjust the distance between the forehead rest and the patient's face.

Claims 16-19 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 5,558,090 to James. Reconsideration and withdrawal of this rejection in view of the amendments to specification and claims is requested.

Claim 16 requires the resilient member to be "height adjustable such that the patient can adjust the distance between the forehead rest and the face of the patient". This provides the advantage of adjusting the cushioning provided to the patient.

James does not disclose any feature that can adjust the height of the resilient member, that is, adjust the distance between the forehead rest and the face of the patient. James discloses a means for adjusting the length of the headband strap (18). The length of the headband strap (18) is adjusted by adjustment peg (20) into one of the apertures (22) on the headband strap (18). This adjustment only varies the length of the headband strap (18) such that the headband strap (18) can be fitted on users with varying head sizes.

James also does not disclose a resilient member that is a strap. As defined in the present specification, the resilient member of the claims is a member that provides cushioning and evenly distributes pressure applied to the patient's forehead. James discloses a strap that holds the

interface onto the user's face, however, the strap in James does not add any cushioning element to evenly distribute forces applied to the patient's face.

Therefore, Applicants submit that claims 16 and 17 are not anticipated by James.

Moreover, Applicants submit that James cannot be modified to render obvious claims 16 and 17.

Reconsideration and allowance is requested.

Claims 18 and 19 are dependent upon claim 16 which Applicants submit is allowable.

Therefore, Applicants submit that claims 18 and 19 are allowable. Reconsideration and allowance is requested.

Claims 16, 18 and 19 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by United States Patent No. 7,000,614 to Lang. Reconsideration and withdrawal of this rejection in view of the amendments to specification and claims is requested.

Claim 16 requires the resilient member to be "height adjustable such that the patient can adjust the distance between the forehead rest and the face of the patient". This provides the advantage of adjusting the cushioning provided to the patient.

Lang does not disclose any feature that can adjust the height of the resilient member, that is, adjust the distance between the forehead rest and the patient's face. Lang discloses a forehead pad (14) that can be pivoted on the forehead rest (10). The forehead pad (14) can only pivot and is only adjustable in an angular direction, as shown by arrow P in Figure 1 of Lang. The height of the forehead pad (14) cannot be varied, meaning the distance between forehead rest (10) and the forehead of the user cannot be varied. The forehead pad (14) simply rotates on the forehead rest (10) about the axis (17) shown in Figure 1.

Claim 18 requires the resilient member to be rotatable and the height of the resilient member is adjustable by rotating it. Lang does not disclose or suggest this.

Therefore, Applicants submit that claims 16 and 18 are not anticipated by James. Moreover, Applicants submit that James cannot be modified to render obvious claims 16 and 18. Reconsideration and allowance is requested.

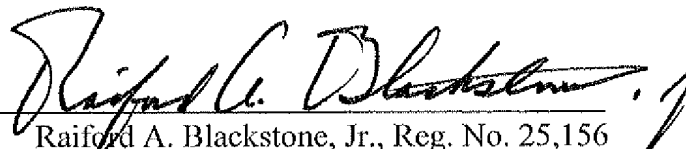
Claim 19 is dependent upon claim 16 which Applicants submit is allowable. Therefore, Applicants submit that claim 19 is allowable. Reconsideration and allowance is requested.

Applicants have canceled claims 12-15, but reserve the right to file a divisional application(s) on this subject matter.

A Request for Continued Examination is concurrently submitted with this Amendment.

Should the Examiner have any questions regarding this response, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

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